

EXAMINER'S AMENDMENT

1. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this Examiner's Amendment was given in a telephone interview with Matthew B. Weinstein on July 16, 2009.
3. The application has been amended as follows:

CLAIMS

- ❖ **Claim 16** – please **replace** with the following:

“The imager of claim 15, wherein the controller is configured to provide a control signal to cause the first switch to be disabled while a previously-stored sensor signal is being processed by the processing circuit.”

Election/Restrictions

4. Independent **Claims 1 and 15** are allowable. Each of **Claims 3, 10 – 14, 16, 42, and 43**, previously withdrawn from consideration as a result of a restriction requirement, incorporate all the limitations of an allowable claim. Pursuant to the procedures set forth in MPEP § 821.04(a), **the restriction requirement, as set forth in the Office action mailed on December 2, 2003, is hereby withdrawn** and **Claims 3, 10 – 14, 16, 42, and 43** are hereby rejoined and fully examined for patentability under 37 CFR 1.104. In view of the withdrawal of the restriction requirement, Applicants are advised that if any claim presented in a continuation or divisional

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application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Allowable Subject Matter

5. **Claims 1 - 5, 7 - 17, 19, 20, 40 – 43** (now respectively renumbered 1 – 13, 17 – 21, 14, 15, 16, and 22) are allowed. The following is an Examiner's statement of reasons for allowance:

6. Applicant's arguments, filed May 18 2009, indicate the combination of Sauer and Merrill is improper because the references teach away from their combination. This argument has been fully considered and is persuasive. As a result, the rejection of **Claims 1 and 15** has been withdrawn.

7. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, David Ometz can be reached on 571.272.7593. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**/Justin P. Misleh/
Primary Examiner
Group Art Unit 2622
July 24, 2009**